

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

RICHARD J. SILVERSTEIN, et al. *

Plaintiffs *

vs. * CIVIL ACTION NO. MJG-12-2430

WESTFAX, INC., et al. *

Defendants *

* * * * *

MEMORANDUM AND ORDER

The Court has before it Plaintiffs' Motion for Alternate Service on HDIQ, LLC [Document 115).

It appears that the Plaintiff has presented evidence by affidavit establishing that Defendant HDIQ, LLC, located in Texas, has acted to evade service. Hence, alternate service may be made in accordance with Texas law. See Rule 4(e)(1) of the Federal Rules of Civil Procedure. The affidavit submitted by Plaintiff, signed by a deputy sheriff in Texas refers to some "Rule 106." However counsel for Plaintiff does not provide a specific reference to Texas law from which the Court can determine how service can properly be effected.

Accordingly, Plaintiffs' Motion for Alternate Service on HDIQ, LLC [Document 115) is DENIED WITHOUT PREJUDICE.

SO ORDERED, on Monday, May 6, 2013.

/s/_____
Marvin J. Garbis
United States District Judge